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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 4288 of 2007
Date of decision: 12.9.2007

Som Nath **...Petitioner**

Versus

Harbilas Amloh Wala **...Respondent**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Sameer Sachdeva, Advocate for the petitioner.

Mr. Pardeep Goyal, Advocate for the respondent.

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RAJESH BINDAL, J.

The challenge in the present petition filed under Article 227 of the Constitution of India is to an order dated August 10, 2007 passed by the Rent Controller, Nabha whereby application filed by respondent/tenant for amendment of the written statement has been accepted.

The landlord in the present case has sought eviction of the respondent/tenant, inter-alia, on the ground of non payment of rent and for personal necessity. The Petition was filed in September, 1997 and is still pending. Learned counsel for the petitioner submits that the amendment sought to be made by the tenant in the present petition has no relevance for the decision of the controversy in question as issues which are sought to be raised cannot be looked into for the simple reason that in terms of judgment of this Court in **Murari Lal and others Vs. Amar Lata 2007 (2) Punjab Law Reporter 164**, the crucial date for determination of the rights of the parties is the date of filing of the petition and accordingly, any subsequent event would not be material for the decision of the eviction application. When the facts brought on record are not material, no useful purpose will be served by permitting him to amend the written statement as the same would unnecessarily delay the disposal of the eviction application.

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On the other hand, learned counsel for the respondents submitted that he is well within his right to bring the subsequent facts on record, which have emerged during pendency of the petition. He further submitted that he is not at all interested in delaying the proceedings in the case and infact the amendment is necessary for the proper adjudication of the dispute between the parties. He referred to and relied upon **Rajesh Kumar Aggarwal and others Vs. K.K.Modi and others 2006(2) RCR (Civil) 577** and **Gurnam Singh Vs. Hari Mohan 2001 (2) Civil Court Cases 325 (P&H)**. He further submitted that application could be moved by him in 2007 only because prior to that in a pending revision before this court further proceedings before the Rent Controller had been stayed.

Having heard learned counsel for the parties, I do not find any merit in the contention raised by learned counsel for the petitioner.

Without commenting upon the merits of the issues/pleas sought to raised by the respondent/tenant in the amendment sought to be made by him in the written statement already filed, it cannot be disputed that the facts which are sought to be brought on record are subsequent to filing of the petition. Whatever be the effect thereof on merits, the same shall be considered by the Rent Controller at the time of final disposal of the petition. The worth of the submissions sought to be made in the amendment of written statement cannot be gone into at the stage of consideration of the application for amendment of the written statement.

However, keeping in view the fact that Rent petition on the ground of personal necessity is pending before the Rent Controller since 1997, it is directed that the proceedings thereof be completed positively within six months from the date of receipt of copy of this order.

Accordingly, the present revision petition is dismissed.

September 12, 2007 **(Rajesh Bindal)**
Pka **Judge**